HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 21139 of 2007

Dated: 06-10-2007

Between:

M.Nagesh Reddy

..... PETIT

AND

The Collector (Panchayat Wing,
Adilabad, Adilabad District and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 21139 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the inaction on the part of the respondent No.3 in disposing of the appeal and the stay petition filed by the petitioner against the order dated 23-07-2007 passed by respondent No.1.

The petitioner is the Sarpanch of Awalpur village of Bela Mandal, Adilabad District. On the ground that he indulged in certain irregularities, respondent No.1 issued proceedings on
23-07-2007 whereby he suspended the petitioner from the post of Sarpanch by exercising powers under Section 249(6) of the Andhra Pradesh Panchayat Raj Act, 1994 (for short "the Act"). The petitioner claims that he filed an appeal along with stay petition in pursuance of the observation made by this Court while permitting the petitioner to withdraw W.P.No.16331 of 2007 on 31-07-2007, but the said appeal was not received in the office of respondent No.3 and that therefore, he sent the appeal along with stay petition through registered post on 02-08-2007. But, so far respondent No.3 has not passed any order either on the stay application or on the main appeal filed by the petitioner.

Heard Sri S.Surender Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Panchayat Raj.

Learned counsel for the petitioner submitted that though under Section 249(6) of the Act, the maximum period for which an order of suspension can initially be passed was three months and the said period is coming to an end within few days from now, respondent No.3 has not disposed of the petitioner's application for stay or the appeal.

I find that the petitioner's grievance is legitimate. Respondent No.1 has exercised the power of suspension pending enquiry. Though the allegation made against the petitioner appears to be somewhat serious, but one should not lose sight of the fact that he is a democratically elected representative and his elected status cannot be kept in suspended animation for unduly long

period without disposing of his appeal. The petitioner's appeal which was evidently sent through registered post on

02-08-2007 has not so far received the attention of respondent No.3, though more than two months had elapsed.

Therefore, without going into the merits of the case, I deem it appropriate to direct respondent No.3 to dispose of the appeal and stay petition sent by the petitioner on 02-08-2007 within a period of three weeks from the date of receipt of a copy of this order after giving notice to the petitioner. Ordered accordingly.

The writ petition is, accordingly, disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 06-10-2007
KLP